

Remarks

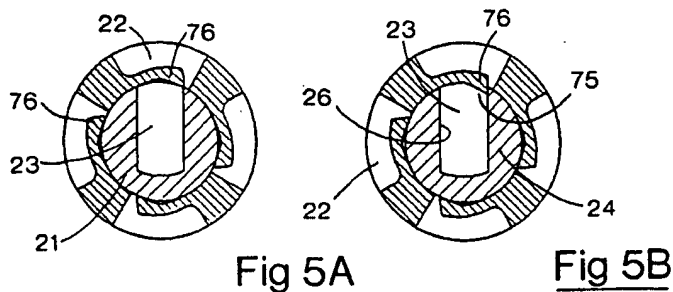
Claims 1-5 and 7 remain pending. Claims 1, 3 and 4 stand rejected. Claims 2, 5 and 7 have been indicated to be allowable if rewritten into independent form. New claims 8-11 have been added to use different language to describe the invention depicted in the originally filed figures. No new matter has been added. Accompanying this response is a Request for Continued Examination.

Claim 1 is directed to a drive assembly for an infusion pump which includes a barrel for holding a fluid reservoir, a plunger rod, and a rotating drive screw. Among other distinctive features, the barrel and the drive screw each have a respective longitudinal axis with “the screw axis displaced from and parallel to the barrel axis.” Such an arrangement is not taught or suggested by the prior art.

With respect to the Sams reference, the most recent Office action equated Sams’ second threaded member 22 with the rotating drive screw of claim 1, and Sams’ plunger rod 23 with the plunger rod of claim 1. According to the Examiner, Fig. 3A shows that elements 22 and 23 have different parallel axes, and furthermore, that Fig. 1 shows that the Sams’ barrel 14 has the same longitudinal axis as the plunger rod 23.

Applicants agree that Fig. 3A shows that Sams’ elements 22 and 23 have different parallel axes. But Applicants disagree about the Examiner’s characterization of Sams’ elements 14 and 23 with respect to Fig. 1 – Sams’ elements 14 and 23 do not have the same longitudinal axis. The angle of the view in Fig. 1 is ambiguous and inclusive as to whether or not Sams’ elements 14 and 23 share the same longitudinal axis (nor does the detailed description in Sams address this). But Figs. 5A-B together with Fig. 1 conclusively refute the Examiner’s hypothesis.

Figs. 5A-B show a cross-sectional view that includes Sams’ elements 21, 22 and 23:



It is clear from this that the longitudinal axis of Sams' drive screw 22 is the center of the circle defined by its outer circumference. And, the left side of Fig. 1 also clearly shows that Sams' barrel 14 also has a circular cross-section such that its longitudinal axis is the center of a circle corresponding to the needle 13:

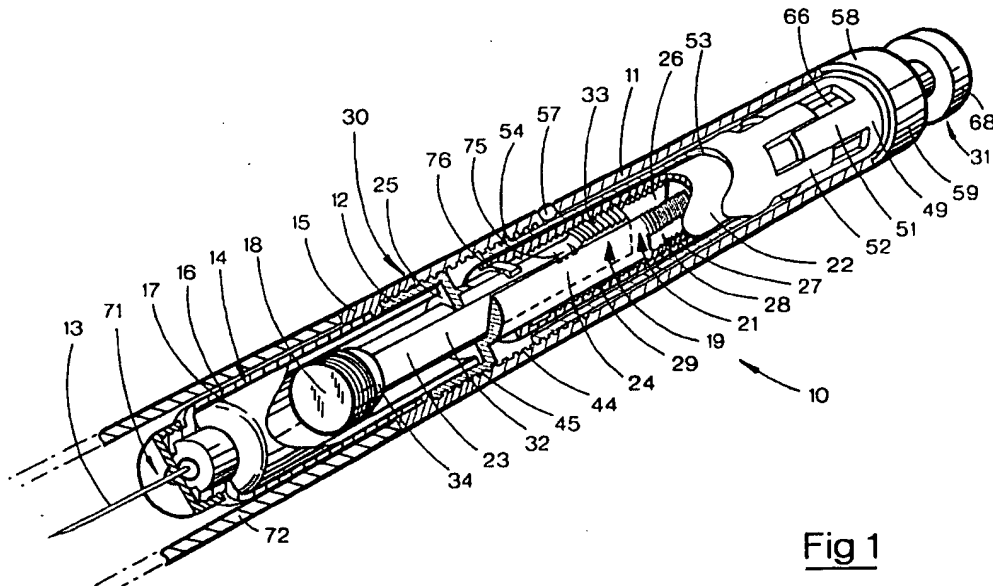


Fig 1

Thus, Sams' Figs. 5A-B show that his element 22 ("rotating drive screw") and his element 14 ("barrel") each have a circular cross-section. Accordingly, each of these structures has a longitudinal axis that runs along the center of the circular cross-sections such that both 14 and 23 have the same longitudinal axis. This clearly does not correspond to or suggest the arrangement required by claim 1 in which "the screw axis [is] displaced from and parallel to the barrel axis." (With respect to claim 1, it is irrelevant that Sams' plunger rod 23 appears to be offset from the center of the other structures).

Thus, the Sams reference neither anticipates nor makes obvious the drive assembly required by claim 1. Claims 2-5 and 7 depend from claim 1 and are allowable for the same reasons.

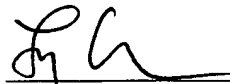
New claim 8 also is patentably distinct from the structure shown in Sams. Claim 8 is directed to a drive assembly in part "characterized by: (i) a loading position in which the plunger rod threads and the drive screw threads are not engaged so as to facilitate loading fluid into the fluid reservoir, and (ii) an operating position in which the plunger rod threads and the drive screw threads are engaged such that rotation of the drive screw displaces the plunger to change the volume of the reservoir to deliver fluid out from the reservoir." Sams does not teach or suggest such an arrangement. Claims 9-11 depend from claim 8 and are allowable for similar reasons.

Conclusion

Applicants believe that no extension of time is required; however, this conditional petition is made to provide for the possibility that the applicants have inadvertently overlooked the need for an extension of time. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

It is submitted that all the claim rejections have been addressed and that all of the pending claims are now in a condition for allowance. Reconsideration of the application and issuance of a notice of allowance are respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully submitted,



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